

REMARKS

In this response, Applicant has amended claim 32, without adding new matter, to address the antecedent basis issue noted on page 2 of the Office Action. Applicant respectfully requests that the Examiner withdraw the objection to claim 32 in light of the amendment. Various claims are amended to correct claim dependency. No new matter is added.

Additionally, Applicant has amended independent claim 24 to incorporate the subject matter of dependent claim 38, which stands rejected as being obvious over the patent to De Boer (U.S. Pat. No. 6,259,837) in view of Deboer (U.S. Pat. No. 7,287,081).¹ Neither of the cited references, alone or in combination, teaches or suggests every limitation of amended claim 24.

Claim 24 is directed to a protection system for first and second interconnected communication networks. Each network includes a primary terminal that communicatively interconnects the first and second networks over a primary communication circuit. A first node in the system is associated with the primary terminal in the first network, and will establish a secondary communication circuit with the primary terminal in the second network responsive to a failure of the primary terminal in the first network. A second node is associated with the primary terminal in the second network, and will establish a secondary communication circuit with the primary terminal in the first network responsive to a failure of the primary terminal in the second network.

As amended, claim 24 recites that the first and second networks are interconnected by a transport network having an Automatic Switched Transport Network (ASTN) control plane, and that the primary terminals and the first and second nodes are connected by the transport network. Neither De Boer nor Deboer teaches or suggests this limitation, alone or in combination.

The primary reference, De Boer, discloses a system for the protection of an optical inter-ring telecommunications network having matched nodes. The Office Action acknowledges that De Boer does not teach or suggest, "the first and second networks [being] interconnected by a transport network having an Automatic Switched Transport Network (ASTN) control plane, and wherein the primary terminals and the first and second nodes are connected by the transport network," as claimed. However, in contrast to the allegations in the Office Action, Deboer does not remedy this deficiency.

The secondary reference - Deboer - discloses a mesh architecture on which ASTN protocols may be executed. As seen in Figure 1, the mesh network includes a plurality of devices connected via a plurality of different links. According to Deboer, a call between two of the devices forms a connection between the devices using the links. *Deboer*, col. 3, ll. 19-28; Figure 1.

Although the reference to Deboer mentions mesh networks on which ASTN protocols may be executed, it discloses only that such networks exist. Deboer does not teach or suggest interconnecting first and second networks with the mesh network, and says nothing about connecting primary terminals and first and second nodes in the first and second networks with the mesh network. In contrast, the entire Deboer reference is directed to a method of maintaining a network using a set of predefined command functions (see, e.g., columns 4-8). With these commands, an operator can prepare the disclosed network for impending maintenance outages by re-routing calls before a link is removed, preventing the creation of redundant or unnecessary connections, or forcing selected connections along a desired path. According to Deboer, such link control allows the operator to maintain the network without affecting network traffic. *Deboer*, col. 4, ll. 1-11.

¹ De Boer ('837) and Deboer ('081) appear to be the same inventor. The two names are used here to identify the patents as they appear on the patents, and as used by the Office in the Office Action.

Acknowledging the existence of mesh networks and/or ASTN protocol executed on such networks, and its use in the maintenance of network links, does not teach or suggest a protection system for first and second interconnected communication networks, "wherein the first and second networks are interconnected by a transport network having an Automatic Switched Transport Network (ASTN) control plane, and wherein the primary terminals and the first and second nodes are connected by the transport network," as claimed. Therefore, neither de Boer nor Deboer, separately or in combination, teaches or suggests this limitation of amended claim 24. Accordingly, amended claim 24 and its dependent claims exhibit patentable non-obviousness over the cited references.

Additionally, de Boer and Deboer teach away from a combination with each other. More specifically, the de Boer reference limits its teachings to networks that use fiber optic rings, such as Bidirectional Line Switch Ring (BLSR) networks. *de Boer*, col. 1, ll. 5-6. According to de Boer, different types of traffic demand patterns exist in these networks, and thus, a variety of different architectures exist to fit the variety of demand patterns. These architectures must interface with each other, but they each have different levels of protection. This makes interfacing the different architectures with protection mechanisms a complicated task.

According to de Boer, one well-known way of interconnecting two BLSRs is by using "matched node" technology. *de Boer*, col 2, ll. 1-9. However, even with using matched nodes, there are problems, and the de Boer reference is fundamentally directed to the resolution of those problems. *de Boer*, col. 3, ll. 2-3. Neither the problems surrounding the use of matched nodes that interconnect two BLSR networks, nor the solution provide by de Boer, however, have anything to do with mesh networks in which ASTN protocols may be executed, as disclosed by Deboer. Therefore, modifying de Boer according to the teachings of Deboer would only detract from the benefits provided by the solution detailed in de Boer. Such an outcome would lead one skilled in the art away from the proposed combination.

Therefore, for at least the foregoing reasons, neither reference teaches or suggests, alone or in combination, amended claim 24 or any of its dependent claims.

All dependent claims ultimately depend from claim 24, and include all limitations of that claim. Hence, the dependent claims also exhibit patentable non-obviousness over the combination of de Boer and Deboer. None of the prior art references cited in rejections of the various dependent claims, in any combination, render claim 24 obvious. Accordingly, all pending claims are non-obvious over the art of record.

Therefore, in light of the foregoing amendments and remarks, all pending claims are in condition for allowance. As such, Applicant respectfully requests that the Examiner issue a Notice of Allowance for all pending claims.

Respectfully submitted,
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